

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEON LEE MEYERS, NO. C-09-0936 TEH (PR)

**Petitioner,**

v.

ORDER DENYING REQUEST FOR  
CERTIFICATE OF APPEALABILITY

**SANTA RITA JAIL, et. al.,**

## Respondents.

(Doc. #8)

Pro se Petitioner Leon Lee Meyers has filed an application for a Certificate of Appealability under 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b) from this Court's June 17, 2009 Order dismissing his 28 U.S.C. § 2241 petition on abstention grounds. Doc. #8. The Court also construes Petitioner's application as a Notice of Appeal.

Petitioner's request for a Certificate of Appealability is DENIED as unnecessary. See Forde v. U.S. Parole Comm'n, 114 F.3d 878, 879 (9th Cir. 1997) (denying request for certificate of appealability as unnecessary in an appeal from an order denying § 2241 petition).

1                   The Clerk shall forward to the court of appeals the case  
2 file with this Order. See United States v. Asrar, 116 F.3d 1268,  
3 1270 (9th Cir. 1997).

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6                   IT IS SO ORDERED.

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9                   DATED           07/28/09



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10                   THELTON E. HENDERSON  
11                   United States District Judge

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